

**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

CR No.7509 of 2016
Date of decision : 18.04.2018

Piara Singh

...Petitioner

Versus

Sohan Singh and another

...Respondents

CORAM: HON'BLE MR. JUSTICE ANIL KSHETARPAL

Present: Mr. Rajiv Joshi, Advocate for the petitioner.

Mr. R.K. Choudhary, Advocate for
Mr. Rajbeer Parmar, Advocate for the respondents.

ANIL KSHETARPAL, J. (ORAL)

The plaintiff-petitioner is in the revision petition against the order passed by the learned trial Court closing the plaintiff's evidence after noticing that 6 opportunities have already been granted and even the cost as awarded has not been tendered.

Learned counsel for the petitioner has drawn the attention of the Court to the daily orders passed by the trial Court. It is noted that 25.01.2016 was the first date when the plaintiff did not produce any list of witnesses sought to be examined. The case was adjourned to 24.02.2016 when no PW was present. Thereafter, the case was adjourned to 28.03.2016. Piara Singh, PW1 was present and examination-in-chief was tendered by way of affidavit. The case was adjourned for cross-examination. On

01.04.2016, Piara Singh came present and was cross-examined. However, no other PW was present. The case was adjourned to 30.04.2016. On 30.04.2016, once again no one was present on behalf of the plaintiff. The case was adjourned subject to the payment of costs of ₹200/-. Even on 16.07.2016, no PW was present. Hence, the case was adjourned to 22.08.2016 when the impugned order was passed.

No doubt, the plaintiff has been granted sufficient opportunities to lead evidence. It is appreciable that the Courts are making sincere efforts to expeditiously decide the litigation.

Learned counsel for the petitioner has submitted that on granting one opportunity, the plaintiff would conclude his entire evidence. He has also offered to pay the heavy costs. He has also pointed out that the counsel representing the plaintiff was in personal difficulty as father of the counsel for the plaintiff was on death bed, who later on died on 04.09.2016.

Taking into consideration the contention of the learned counsel for the petitioner-plaintiff, it is considered appropriate if the plaintiff is granted one opportunity to lead his entire evidence. Such opportunity shall be subject to the payment of costs of ₹10,000/- payable to the defendants.

In view of the above, the impugned order is set aside.

Revision petition is allowed.

18.04.2018

Pawan

**(ANIL KSHETARPAL)
JUDGE**

Whether speaking/reasoned:-

Yes/No

Whether reportable:-

Yes/No